

1 Andrew H. Wilson, SBN 063209
WILSON, RYAN & CAMPILONGO
2 115 Sansome Street
Fourth Floor
3 San Francisco, California 94104
(415) 391-3900
4 Telefax: (415) 954-0938

5 Laurie J. Bartilson, SBN 139220
MOXON & BARTILSON
6 6255 Sunset Boulevard, Suite 2000
Hollywood, CA 90028
7 (213) 960-1936
8 Telefax: (213) 953-3351

9 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
INTERNATIONAL

RECEIVED
OCT 30 1995
HUB LAW OFFICES

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY) CASE NO. BC 157680
14 INTERNATIONAL, a California not-)
for-profit religious corporation,) PLAINTIFF CHURCH OF
15) SCIENTOLOGY INTERNATIONAL'S
16) NOTICE OF MOTION AND MOTION
Plaintiff,) FOR (1) SUMMARY
17) ADJUDICATION OF THE FIRST
18 vs.) CAUSE OF ACTION OF
19) ARMSTRONG'S FIRST AMENDED
20) CROSS-COMPLAINT; (2)
GERALD ARMSTRONG; DOES 1 through) SEVERANCE; (3) DISMISSAL OF
21 25, inclusive,) UNADJUDICATED CLAIMS; AND
22) (4) ENTRY OF FINAL JUDGMENT
Defendants.)
DATE: December 1, 1995
TIME: 9:00 a.m.
DEPT: 1
TRIAL DATE: Vacated

23
24 PLEASE TAKE NOTICE that on December 1, 1995, at 9:00 a.m.,
25 or as soon thereafter as may be heard in Department 1 of the
26 above-entitled Court located at the Hall of Justice, 3501 Civic
27 Center Dr., San Rafael, California 94908-4177, plaintiff Church
28 of Scientology International ("the Church") will move this Court

1 to issue an order:

2 1. Granting plaintiff/cross-defendant summary
3 adjudication against defendant/cross-complainant on the
4 First Cause of Action for Declaratory Relief contained in
5 Armstrong's First Amended Cross-Complaint from the Breach
6 Case, pursuant to California Code of Civil Procedure Section
7 437c;

8 2. Severing the fraudulent conveyance action
9 from the original breach of contract action;

10 3. Dismissing those of plaintiff's claims not already
11 adjudicated by summary adjudication;

12 4. Determining that plaintiff is the prevailing party
13 in this action, entitled to recovery of its attorney's fees
14 and costs; and

15 5. Entering final judgment for plaintiff on the
16 breach of contract action in the amount of \$300,000,
17 together with a permanent injunction, attorneys' fees and
18 costs.

19 This Motion is made on the grounds that:

20 1. In light of Armstrong's bankruptcy, the Church
21 seeks to resolve rapidly and economically all of those
22 matters presently pending before this Court which can be
23 resolved short of trial;

24 2. This Court has already determined all of the
25 issues raised in Armstrong's claim for declaratory relief
26 adversely to Armstrong, mandating judgment in the Church's
27 favor on the only cross-claim which has not been dismissed;

28 3. The fraudulent conveyance claim has been stayed by

1 the bankruptcy court, while that court has agreed that
2 plaintiff may pursue its breach of contract claims to entry
3 of judgment; and

4 4. By summary adjudication of seven of its claims,
5 the Church has achieved the primary relief which it sought
6 when it initiated this litigation.

7 This Motion is based on this Notice of Motion and Motion,
8 this Court's prior Orders granting summary adjudication, the
9 pleadings, records and files herein, the accompanying Memorandum
10 of Points and Authorities, the declarations and exhibits filed
11 herewith, the accompanying Separate Statement of Undisputed
12 Material Facts, and such other evidence as may be adduced
13 properly at the hearing of this Motion.

14 Dated: October 26, 1995

Respectfully submitted,

15 Andrew H. Wilson
16 WILSON, RYAN & CAMPILONGO

17 MOXON & BARTILSON

18 By: 
19 Laurie J. Bartilson

20 Attorneys for Plaintiff
21 CHURCH OF SCIENTOLOGY
22 INTERNATIONAL
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On October 26, 1995 I served the foregoing document described as PLAINTIFF CHURCH OF SCIENTOLOGY INTERNATIONAL'S NOTICE OF MOTION AND MOTION FOR (1) SUMMARY ADJUDICATION OF THE FIRST CAUSE OF ACTION OF ARMSTRONG'S FIRST AMENDED CROSS-COMPLAINT; (2) SEVERANCE; (3) DISMISSAL OF UNADJUDICATED CLAIMS; AND (4) ENTRY OF FINAL JUDGMENT on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed, certified mail, as follows:

Ford Greene
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 9493

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party

served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on October 26, 1995 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such -- envelopes by hand to the offices of the addressees.

Executed on October 18, 1995, at San Rafael, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Matt Ward

Print or Type Name



Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)